

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ARCADIO ROSARIO, JR.,

Plaintiff,

vs.

J.D. ECKMAN, INC., MARK ECKMAN,  
RICHARD WITTLINGER, CONTINENTAL  
CASUALTY COMPANY and CNA FINANCIAL  
COMPANY,

Defendants.

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CIVIL ACTION

NO. 09-4387

**ORDER**

AND NOW, this 14th day of September, 2010, upon consideration of the Motion to Dismiss by Defendants Continental Casualty Company (“CCC”) and CNA Financial Company (“CNA”) (Dkt. No. 16), Plaintiff’s response (Dkt. No. 317), CCC’s brief in opposition to Plaintiff’s Motion to Amend the Complaint to Add CNA Financial Corporation as a Defendant (Dkt. No. 18), the Reply Brief by Defendants CCC and CNA (Dkt. No. 22), Plaintiff’s Sur-Reply (Dkt. No. 26), and for the reasons set forth in the accompanying Memorandum,

IT IS ORDERED that the Motion to Dismiss is GRANTED and Defendants Continental Casualty Company and CNA Financial Company are dismissed from this case.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN

UNITED STATES MAGISTRATE JUDGE